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3. Defendant UMR, Inc., is a Delaware corporation with its principal place of business located in Wisconsin.

4. Plaintiff's Complaint seeks damages for medical and healthcare expenses of over \$250,000, which exceeds \$75,000, exclusive of interest and costs.

5. This Court has jurisdiction under 28 U.S.C. § 1332 because this is a civil action between citizens of different states and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

6. Removal is also proper under 28 U.S.C. § 1441 as plaintiff's claim arises under the laws of the United States, specifically 29 U.S.C. § 1001 et seq. and 29 U.S.C. § 1161 et. seq.

7. On August 5, 2011, Tharaldson was served with a Summons and Complaint dated August 4, 2011, through its registered agent, which are attached as Exhibit A. These documents constitute all process, pleadings, and orders served upon Tharaldson in this action.

8. This Notice of Removal is timely filed within the 30 days provided for under 28 U.S.C. § 1446(b).

9. Defendant UMR, Inc. has advised that it consents to the removal.

10. Accordingly, Tharaldson seeks to remove this action from the Second Judicial Circuit, Minnehaha County, State of South Dakota, to the United States District

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Court for the District of South Dakota, Southern Division. This Notice is filed with the Court under 28 U.S.C. § 1446(a). This Notice will also be filed with the Clerk of the Second Judicial Circuit, Minnehaha County, under 28 U.S.C. § 1446(d).

WHEREFORE, Tharaldson prays that all further proceedings be had as provided by the laws of the United States.

Dated this 2nd day of September, 2011.

WOODS, FULLER, SHULTZ & SMITH P.C.

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